

## **The Bureau of Land Management (BLM) Contingency Plan for Possible Shutdown of Government Functions**

General: In the event that Congress is unable to enact appropriations for Fiscal Year 2011 or a continuing resolution, essentially all activities of the BLM will be halted, with the exception of law enforcement and emergency response functions. Without appropriated funds, there is no authority to incur obligations, including obligations for salaries, except in situations involving orderly shutdown of the Bureau or to protect life and property.

Because of the uncertainties that we are under, we need to continue to plan for the possibility of such a shutdown. In the event that a shutdown occurs, the Department will notify all bureaus to begin an orderly shutdown of unfunded functions. This will require the furlough of a majority of BLM employees. As part of the process, some employees will continue to work to implement the shutdown, including securing facilities, completing personnel and financial processes, notifying external partners and customers of the shutdown, cancelling meetings/events, and shutting down computer systems.

In the event of a lapse in appropriations, the BLM will maintain a limited number of employees to assure protection of life and property. This will primarily involve law enforcement, but will also include monitoring for emergencies, care and feeding of animals under our immediate control, and inspection and enforcement functions to protect life and property (see attachment 1).

The BLM will retain on a continuing basis approximately 600 employees deemed “excepted” to execute the shutdown and to protect property and respond to emergencies. A limited number of personnel will remain to provide leadership and mission support, and serve as liaisons for continuing activities (see attachment 2). Where full time services are not required, “excepted” employees will be on an on-call basis and will work only the hours required to respond to the situation. Voluntary services from employees will not be accepted.

Although the BLM has “no-year” funding, carryover balances are insufficient to continue normal operations. The BLM also maintains several reimbursable funds and is completing American Recovery and Reinvestment Act projects. However, work on such projects or funded with these accounts will not continue during a shutdown because the regular discretionary appropriations required to support this work are not available.

New funding obligations cannot be made after the shutdown, except those needed to protect safety, health and property, such as Hazmat emergency responses, fire protection, etc. Emergency rehabilitation will be handled in the same manner as other potential emergency situations such as hazardous materials incidents, i.e., a limited number of “excepted” employees will be on-call to deal with emergencies.

Consistent with guidance in OMB Circular A-11, the estimated number of employees who will be retained as excepted (i.e., not furloughed) is about 600. These Full Time Employees (FTE) fall under the following categories:

- Those employees who are engaged in law enforcement - BLM will maintain about 300 law enforcement and associated support (i.e., dispatch);
- Those employees who are needed to protect life and property and are not otherwise exempt. The BLM will maintain approximately:
  - 10 in the Washington Office (WO) for leadership in overseeing essential activities, budget, and communications;
  - 20 at the National Operations Center for Bureau-wide finance/acquisition and IT systems support for essential activities;
  - Each state will have the FTE needed to respond to emergencies involving safety of human life and protection of property. This will total about 150 FTE; and
  - 100 for maintaining helium operations, management of the Alaska pipeline, rights-of-way contracts, and management of wild horse and burro holding facilities.

To complete shutdown activities, all employees (approximately 10,800) are expected to spend about a half-day completing the shutdown. Additionally, BLM would retain about 150 FTE (about 10 per state/center/WO) in acquisition, human resource and budget/finance necessary to complete workloads required for the shutdown such as issuing personnel actions, issuing stop-work orders to contractors, shutting down nonessential systems, etc.

After the initial shutdown procedures are completed, the BLM would maintain about 550 employees on-call. There would be about 25 employees on-call in the WO for leadership in human resources, safety, emergency operations, budget/finance, and acquisition. The states and centers would maintain about 500 FTE on-call for safety, fire, Hazmat/emergency services, support services, and other critical functions. The BLM has approximately 10,800 employees and would furlough 10,200 FTE during the funding lapse.

Employee Travel: Any employee on travel status will return to his/her duty station immediately unless the employee is designated as “excepted” and fulfilling an essential function. In the case of employees who are in the middle of a change-of-duty station (such as in temporary quarters), they will continue to be in travel status (since the obligation has already been incurred and there is not a practicable alternative).

Contract administration: While non-emergency contracts are not to be administered during a Government shutdown, efforts should be made to mitigate contract costs. For example, for contracts where funds have been obligated on a job basis, the Contracting Officer (CO) will determine, on a case-by-case basis, if the contract can continue for a week or two without any quality assurance and inspection. If the contract requires frequent Government inspection, either a suspend work order needs to be issued, or, in the manager’s or contracting officer’s judgment, significant claims for delay may result, project inspectors and Contract Officer Representatives (CORs) may be considered “excepted” or are to be available on an on call basis. Another scenario occurs where contract performance can continue up to a certain inspection point in the contract, then an appropriate caveat should be inserted in the suspension notice. CORs may issue the suspend work order(s) if they have been delegated this authority by the CO in the designation.

Personnel: Contact with furloughed employees will be maintained through phone trees as specified in the WO, center, and state office COOP Plans. Supervisors are responsible for ensuring that phone trees and employee notification plans are up to date.

Attachments

## Attachment 1: Essential Activities

- Law enforcement: Law enforcement activities will continue under the following guidance.
  - The Bureau's lead law enforcement official will continue on duty;
  - Each special agent-in-charge will continue on duty;
  - Rangers and special agents in the field will continue on duty; and
  - Dispatch and other law enforcement personnel will be on-call in the event of an emergency situation requiring immediate attention.
- Oil and gas program: Employees responsible for Inspection & Enforcement (I & E) will be needed to perform and oversee actions such as well shut-ins, re-completions, and downhole/equipment changes in drilling/plugging operations. A limited number of employees will also be needed to patrol oil and gas fields to make sure that theft of oil or condensate is not occurring. While the BLM receives permanent funding from other sources for some of this work (*Permit processing funding authorized under Section 365 of the Energy Policy Act of 2005*), only the I & E work associated with protection of human life and property is continued during a shutdown. Because of the management and support needed from regular appropriated accounts, the BLM has determined it cannot maintain employees funded through permanent accounts who are assigned to nonessential work.
- Alaska pipeline operations: For health/safety reasons and because funding is exclusively from non-Federal sources and the work is being done at a site not affected by the shutdown, Alaska pipeline work will continue during a shutdown (*This is funded through the Service Charge, Deposits and Forfeitures account in the Trans Alaska Pipeline functional area*).
- Helium operations: The crude helium enrichment plant will continue operation to provide critical resource needs and because funding is almost fully from the Helium account, which is a revolving fund and has adequate resources to operate (*This function is funded through the Helium Funds and authorized by the Helium Act of 1960 and Helium Privatization Act of 1996*).
- Right-of-way contracts and construction: Operation of pipelines and other activities such as renewable energy on existing rights-of-way, permits, leases, etc., by the respective operator can continue during a shutdown, unless compliance issues exist that may result in damage to Governmental property or a threat to safety. If BLM action is required during a shutdown, the employee should be excepted or on-call to provide necessary BLM input/presence and to ensure compliance. If ongoing construction of rights-of-way, permits, leases, etc., require BLM presence during construction as part of the terms of authorization, each office will:
  - review the terms of the authorization,
  - evaluate the potential impacts if BLM is not present and work continues, and
  - determine if a Bureau employee should be identified as either excepted or on-call to provide necessary BLM input/presence.
- Wild Horse and Burro Holding Facilities: The minimum number of employees needed to humanely care for horses are deemed excepted. Employees are needed to oversee contractor work, to address animal health issues, and to communicate with veterinarians. Normal

feeding and monitoring of the health of the animals should continue. Nonessential tasks should not be undertaken. Only the employees needed for the care and feeding of the horses should report for work.

- Contracting: COs and the program office should meet with each of the service contractors as soon as possible to develop contingency plans for the orderly shutdown and restart of work. If for any reason a Government shutdown would result in the inability of the service contractors to continue the work (e.g., added funding cannot be obligated to the contracts, access to the facilities where work to be performed would be denied, etc.), then the CO should issue written stop-work orders to the affected contractors immediately when the shutdown occurs in accordance with FAR 52.242-15(a)<sup>1</sup>. As stated in this clause, the CO may issue the stop-work order at any time, and the contractor must immediately take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage. Furthermore, written drafts of these orders should be pre-approved pursuant to FAR 42.1303(c) and be ready for immediate issue.

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<sup>1</sup> The Contracting Officer may, at any time, by written order to the Contractor, require the Contractor to stop all, or any part, of the work called for by this contract for a period of 90 days after the order is delivered to the Contractor, and for any further period to which the parties may agree. The order shall be specifically identified as a stop-work order issued under this clause. Upon receipt of the order, the Contractor shall immediately comply with its terms and take all reasonable steps to minimize the incurrence of costs allocable to the work covered by the order during the period of work stoppage.

## Attachment 2: Excepted Personnel

As stated in the Memo and consistent with guidance in OMB Circular A-11, the estimated number of employees who will be retained as excepted (i.e., not furloughed) is about 600. These FTE fall under the following categories:

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- Those employees who are needed to protect life and property and are not otherwise exempt. The BLM will maintain approximately:
  - 10 in WO for leadership in overseeing essential activities, budget, and communications;
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At the start of a shutdown, employees would prepare for the break in services and enact COOP Plan procedures:

Position/Function	Functions to be Performed
All employees (other than those designated “excepted”)	Activities associated with shutting down: <ul style="list-style-type: none"> <li>– review and organize agency files (particularly identifying confidential material)</li> <li>– notify parties involved in agency matters of the cessation of normal business and document the status of cases and projects so that they can be resumed in the future</li> <li>– administrative tasks such as the inventory of files, furniture and equipment, and the normal processing of paychecks and completed paperwork</li> <li>– secure building, alert local fire and LE regarding contacts during the shutdown</li> <li>– other required activities determined by the State Director, Office Head, or AD.</li> </ul>
Designated finance, budget, and acquisition employees	Activities related to an orderly shutdown or response to Administration or Congressional requests. Setting up protocols and processes for allocating funds in FBMS to allow for expenditures, if needed, to address emergency situations, and payment of labor and operations for excepted employees and functions. Managing acquisition processes to transition to a shutdown.
Designated human resource employees	Activities related to an orderly shutdown, including payroll, processing personnel actions, etc.

Throughout the entire shutdown period, the following personnel would be determined excepted and required to work or be on-call depending upon circumstances.

Organization/Position Title	Functions to be Performed
Firefighting and support personnel necessary to call up emergency response or respond to local fire officials	“Protection of Federal lands, buildings... and other property owned by the United States.”
Law enforcement (agents and rangers, along with dispatch support) necessary to respond to emergency situations and to local law enforcement officials	Protection of life and property: “Law enforcement and criminal investigations.”
Hazardous materials response personnel (on-call)	Protection of life and property.
<p>Washington Office:</p> <ul style="list-style-type: none"> <li>- Director</li> <li>- Deputy Director, Operations</li> <li>- Director, Office of Law Enforcement and Security</li> <li>- AD, Human Capital Management</li> <li>- AD, Minerals and Realty Management</li> <li>- AD, Business and Fiscal Resources</li> <li>- AD, Communications or Division Chief, Public Affairs (WO-610)</li> </ul> <p><i>The following officials will be placed on an on-call status:</i></p> <ul style="list-style-type: none"> <li>- Deputy Director, Policy</li> <li>- AD, Renewable Resources and Planning</li> <li>- AD, Information Resources Management</li> <li>- Director, NLCS</li> <li>- Director, National Operations Center</li> <li>- Division Chief, Safety (WO-740)</li> <li>- Bureau Procurement Chief (WO-850)</li> </ul>	<p>Leadership and decisions on emergency operations (protection of human life and Federal property).</p> <p>Funds control and monitoring funds availability and internal/external communication.</p>
Budget Officer and/or Funds Control Officer	Respond to Congressional requests on funding and to evaluate funds availability and transfer as needed. Allocate funds for emergency situations and payment for excepted employees and functions.
<p>National Operations Center:</p> <ul style="list-style-type: none"> <li>- Business Services Division, <ul style="list-style-type: none"> <li>- Finance Officer</li> <li>- Acquisition Staff</li> </ul> </li> <li>- Information Resources Division, Chief</li> </ul> <p><i>The following officials will be placed on an on-call status:</i> NOC Human Resource Staff</p>	<p>Operation of FBMS and associated systems to allow for expenditures to address emergency situations and payment of excepted employees.</p> <p>Complete actions related to acquisitions such as stop work orders and contract management.</p> <p>Support to sustain essential computer functions and maintain BLM-wide e-mail and other systems.</p> <p>To provide Bureau-wide access to Quicktime and FPPS if needed.</p>
<p>State Director (other critical managers/staff determined by SDs to be critical for protection of life and property)</p> <p><i>The following officials will be placed on an on-call status:</i> Deputy State Directors, Fire Management Officers, Budget Officers, Contracting, Personnel Officers, Safety Officers (including Safety of Dams) and IT staff</p>	Leadership and decisions on emergency operations (protection of human life and Federal property)
<p>Director, Fire and Aviation</p> <p><i>The following officials will be placed on an on-call status:</i> Casual Pay center for emergency firefighter labor payments in the event of an emergency</p>	Leadership and decisions on emergency operations (protection of human life and Federal property)

